

REMARKS

The Examiner in paragraph 5 of the Official Action rejected claims 17-19 under 35 USC § 102(b) as being clearly anticipated by Kitagawa et al. (US 5,819,126). However, applicant respectfully submits that the rejection set forth by the Examiner is improper in that there is no supporting reason as to why the present invention is anticipated by the prior art. The Examiner's prior rejection of April 23, 2002 also failed to provide any support for the rejection of claims 17-19 under 35 USC § 102(b).

In order to properly reject a claim under 35 USC § 102(b), each and every element must exist in the same reference. The Examiner has failed to illustrate how the cited reference teaches the present invention. Furthermore, for the reasons set forth in applicant's previous response, applicant respectfully submits there are numerous elements in the claimed invention that are missing from the cited reference.

More particularly, independent claim 17 is directed to a camera for capturing images to be provided to a service provider. The camera includes means for capturing and storing images and firmware memory for storing a service identifier which identifies a service provider account. The service provider account specifies services to be provided by the service provider. The claim also provides means for providing the captured images and the service identifier to the service provider. Thus, it is clear that the camera has firmware memory that stores a service provider identifier and also provides means for providing of the captured images and the service identified to a service provider. These are structural limitations that are required of the claim. The Kitagawa et al. reference is directed to simply recording information onto photographic film or on to an IC memory provided on a film cartridge. The Kitagawa et al. reference fails to teach; (1) firmware for storing a service identifier; (2) that the service identifier identifies a service provider account; and (3) means for providing the captured images and the service identification to the service provider.

Thus, there is at least three specific limitations in claim 17 that are not taught or suggested by Kitagawa et al. By definition, the Kitagawa et al. reference could not anticipate claim 17. As previously set forth, the service identifier identifies the service provider account. Additionally, the service

provider account specifies services to be provided by the service provider. Further, as is well established, functional limitations must be considered and evaluated as with any other limitations. See MPEP 2173.05(g). Since claims 18 and 19 depend on independent claim 17, these claims are also patentably distinct over Kitagawa et al.

In the present invention, the service identifier is used to identify the service provider account. There is no such teaching or suggestion for providing such a service in Kitagawa et al. In the present invention, the service provider account specifies the goods and/or services to be provided. There is no teaching or suggestion providing this, as with the other limitations in the cited Kitagawa et al. reference. Thus, applicant respectfully submits that the rejection under 35 USC § 102(b) can not be maintained and therefore should be withdrawn.

The Examiner in the Official Action has also rejected claims 1-6 and 8-16 under 35 USC § 103(a) as being unpatentable over the admitted prior art described in the specification, in view of Kitagawa et al.

First, applicant would like to first clarify what applicant has admitted as being the prior art. In the background of the invention, applicant has admitted that there exists a Dell Internet site and that using this site, different configurations of a Dell computer can be purchased. The customer can buy a "standard" configuration of a particular model computer, or can instead select various options. The Dell reference relates to ordering selected equipment over the Internet, but the equipment that is produced is defined entirely by the user's selection from a pre-existing menu. The user does not upload personal data or digital images that are used to personal the computer or the merchandise. In the present invention, the information provided by the use is used for establishing what is done with respect to images captured by the camera. There is nothing to indicate or suggest that anything that is produced by the Dell computer is later used.

Further, a computer is totally apart from an image capture device. A computer such as that purchased from Dell is merely used for typical manipulation of a software program. This is in contrast to a camera which is designed to capture images and the captured images are used for producing image products such as photographic prints.

Independent claim 1 is directed to a method for a customer leasing a configured camera system including a camera and services for such configuration camera system and paying for the lease of such configuration camera system. There is no teaching or suggestion of leasing a camera as taught by the Dell prior art. Nor is there any suggestion to do so. Further, there is also no teaching or suggestion of any type of leasing arrangement in the Kitagawa et al. reference.

The Examiner states that the admitted prior art as described by applicant, "clearly anticipates all of the substantive elements of the instant invention. With regard to a method of sales of customized products, except for disclosing the particular customized product being offered for sale and selected/created by the customer in the manner of computer systems at dell.com is a camera system being sold for a one-time use (i.e. lease)".

In this regard, applicant does not understand what the Examiner means by "anticipates all of the substantive elements of the instant invention....". The present invention is a combination of all of the elements set forth in the independent claim, all of which are important to the present invention. One of the elements of the present invention is that the customer selects desired components and services to provide the configured camera system and completing the lease agreement and providing a payment identifier as specified in an account to be debited to pay for the configured camera system. There is no teaching or suggestion in either of the references cited of providing payment identifier that specifies an account to be debited for the payment of the configured camera system. Nor, does the prior art teach or suggest the sending of the camera to a designee of the customer and establish a service user account as specified as selected services that the designee can use with respect to the images captured by the camera. As previously discussed, the service user account relates to what is to be done with respect to the images captured by the camera. There is no teaching or suggestion of this leased concept.

The Examiner apparently has tried to argue in the rejection, that a one-time use camera is such a lease. Applicant respectfully submits that the purchase of a one-time use camera is not a lease as set forth by the present invention. First, a one-time use camera is purchased by any individuals and is

returned to a variety of different photofinishing labs for the development of the contained film contained therein for in producing of prints. These cameras are purchased. The fact that they may be refurbished in some fashion, does not admit that it is a lease or even suggest that it is a lease. Further, there is no setting up of any particular account as set forth by independent claim 1 and therefore, the leasing could not be accomplished by the one-time use cameras. The Dell system simply provides a configured computer in accordance with selections available to the user. There is nothing that teaches or suggests that the output of the computer, if there is any, is sent to a provider for providing selected services with regard to the use of computer. In the present invention, the use of a configured camera results in the providing of selected services designated with respect to a user account. There is no teaching or suggestion in the Dell system or Kitagawa et al. in providing such a feature.

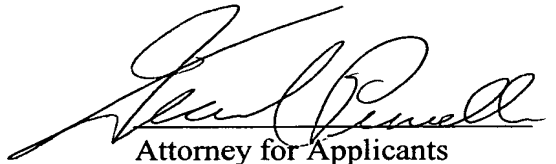
Furthermore, in order to provide an appropriate combination, there must be some motivation in which to combine the Dell reference with respect to the Kitagawa et al. reference. The Examiner in paragraph 10 of the Official Action in response to applicant's arguments setting forth that there is motivation, has stated that since Dell was cited been cited for the selling of customized products over the Internet, and the selling of non-customized cameras over the Internet is admitted to be conventional and discloses a customized camera having the same particular features, the motivation to sell cameras such that as Kitagawa et al. in a customized on-line manner of Dell rather than in the conventional on-line manner. However, there is no teaching or suggestion for providing a customization of cameras. At most, the combining of Dell with Kitagawa et al. would teach the selection of purchasing cameras over the Internet. The present invention is distinctly different for the reasons previously set forth. The prior art fail to disclose a method for leasing a configured camera, a payment identifier that specifies an account, and that the account specifies the selected service that the designee can use with respect to the images captured by the camera. Therefore, the cited art could not anticipate or render obvious the present invention. Also, there would be no motivation due to the distinct products and features of the dell.com site and the Kitagawa et al. reference.

Claim 2 also includes many of the same features of claim 1 in that it is meant for the customer for configuring a camera and paying for a lease of such configured camera where there is provided a payment identifier for specifying an account to be debited for the payment of the configured camera. Also, both the Dell and Kitagawa et al. references are concerned about the selling of the product and not the leasing of a configured camera.

Claim 9 is also directed to a method for a consumer leasing of a camera system wherein a customer selects the desired services and completes a lease agreement and provides a payment identifier specifying an account to be debited for a selected service, and also establishing a service user account that specifies the selected service that is being used and storing the camera and service identifier corresponding to the user account and sending the camera to the designee of the customer. Additionally, section "a" of claim 9 specifically sets forth of providing electronic database of information described in at least one camera system which has services that can be selected by the customer via a digital communication system with respect to images captured by the camera. The prior art fails to teach the claimed invention for the reasons previously described. Neither of the two references teach or suggest the providing of a payment identifier which specifies the account to be debited with respect to services provided by the camera nor the providing of specific services that are to be provided with respect to such captured images.

In view of the foregoing applicant respectfully submits that the cited references do not teach or suggest the invention as taught and claimed by applicant and submits that the application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,


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